

HOUSE BILL 319

By White M

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to investigations, criminal offenses, criminal law, and criminal procedure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-11-708(d), is amended by deleting the third sentence and substituting instead the following language:

The state shall establish by a preponderance of the evidence that the property is subject to forfeiture under this part. If the forfeiture count includes property described in § 39-11-703(a) the state shall establish that one (1) or more acts described in § 39-11-703(a) giving rise to forfeiture occurred after June 27, 1998, regardless of when the property was originally acquired, as long as the defendant's interest in the property was acquired or appreciated following the commission of an act giving rise to forfeiture. If the forfeiture count includes property described in § 39-11-703(b), the state shall establish that the property was used as an instrumentality in or used in furtherance of a violation of the law described in § 39-11-703(b).

SECTION 2. Tennessee Code Annotated, Section 39-11-708(e), is amended by deleting the language "In establishing a preponderance of the evidence for forfeiture" and substituting instead the language "If the forfeiture count includes property described in § 39-11-703(a)".

SECTION 3. Tennessee Code Annotated, Section 39-11-709(b), is amended by deleting in the first sentence the language "chancery court in the judicial district" and substituting instead the language "court of record having criminal jurisdiction in the judicial district".

SECTION 4. Tennessee Code Annotated, Section 39-11-709(b), is further amended by deleting in the third sentence the word “chancery”.

SECTION 5. This act shall take effect July 1, 2015, the public welfare requiring it.